

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY E. BARNES,

Plaintiff,

v.

Case No. 23-cv-1102-bhl

LORIJEAN WACHHOLZ et al.,

Defendants.

DECISION AND ORDER

Plaintiff Anthony Barnes is representing himself in this 42 U.S.C. §1983 action, which has been closed for nearly a year. On July 29, 2025, he filed a motion asking the Court to allow him to pay the balance of his filing fee debt with funds in his release account. He explains that he does not have sufficient funds in his regular account to pay the outstanding balance of \$421.23. For the reasons explained below, the Court will deny the motion.

The Prison Litigation Reform Act (PLRA) applies to this case because Barnes was incarcerated when he filed his complaint. That law requires the Court to collect filing fees from a “prisoner’s account.” 28 U.S.C. §1915(b). Wisconsin prisoners have two types of accounts, a regular account and a release account. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). “A release account is a restricted account maintained by the Wisconsin Department of Corrections to be used upon the prisoner’s release from custody upon completion of his sentence.” *Wilson v. Anderson*, Case No. 14-C-798, 2014 WL 3671878, at *3 (E.D. Wis. July 23, 2014) (citing Wis. Admin. Code § DOC 309.466). Given the purpose of the release account, federal courts do

not focus on that account as the source of funds to satisfy the filing fee payment requirements. *See Smith v. Huibregtse*, 151 F. Supp. 2d 1040, 1042 (E.D. Wis. 2001).

Although federal courts will sometimes allow a plaintiff to pay the initial partial filing fee with funds in his release account, federal courts are less willing to allow a plaintiff to pay the full filing fee from that account. Allowing this practice would significantly deplete the value of the prisoner's release account, thereby undermining the very purpose of the account. Accordingly, the Court will not allow Barnes to use funds in his release account to satisfy his filing fee debt.

IT IS THEREFORE ORDERED that Barnes' motion for leave to pay his outstanding filing fee debt using funds in his release account (Dkt. No. 65) is **DENIED**.

Dated at Milwaukee, Wisconsin on August 6, 2025.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge